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THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Report of the Secretary-General, prepared pursuant to Sub-Commission resolution 1992/29

1. In its resolution 1992/29 the Sub-Commission on Prevention of Discrimination and Protection of Minorities requested the Secretary-General to inform the Sub-Commission, at its forty-fifth session, of the progress achieved in the implementation of the recommendation contained in paragraph 217 of the final report of the Special Rapporteur on the Realization of Economic, Social and Cultural Rights (E/CN.4/Sub.2/1992/16).

2. In paragraph 217 of his final report, the Special Rapporteur recommended that the Centre for Human Rights should:

(a) Continue its efforts aimed at strengthening cooperation with United Nations agencies dealing with issues pertaining to economic, social and cultural rights;

(b) Carry out a comparative survey within the United Nations system to determine which departments, commissions, committees and other bodies have a mandate bearing directly upon economic, social and cultural rights, with a view to a better focus on the human rights aspects of these issues;

(c) Ensure coordination of the responsibilities of its staff having mandates relating to social and cultural issues. To this end the resources of the Centre should be increased to enable adequate staffing to cover the volume of assignments relating to human rights and economic, social and cultural issues;

(d) Expand its reference library to include all relevant documentation relating to the realization of economic, social and cultural rights. Exchange of information should be pursued with the relevant regional organizations and institutions. Such a reference library should be adequately staffed and provide facilities to enable the documentation to be consulted;

(e) Expand the advisory services programme to include more extensive assistance for the realization of economic, social and cultural rights. Steps should be taken to enhance expertise in the advisory services programme with the aim of providing practical services directly related to these rights;

(f) Provide the assistance, both financial and otherwise, required to enable members of the Committee on Economic, Social and Cultural Rights to participate in national training seminars on the preparation of States' reports, as stipulated in the Covenant on Economic, Social and Cultural Rights;

(g) Examine the possibilities of creating an easily accessible human rights case law/jurisprudence database, containing updated compilations of the relevant data, decisions and views of national and international bodies. Such a system could greatly enhance the efficiency of the working methods of staff, treaty bodies and other system users;

(h) Continue its research and work aimed at determining the degree to which domestic laws and policies have been subject to review or amendment within States on the basis of obligations assumed under the International Covenant on Economic, Social and Cultural Rights;

(i) Devote the necessary resources to the preparation of basic policy guidelines on structural adjustment and economic, social and cultural rights. Once completed, such guidelines could serve as a solid basis for strengthening dialogue between the Centre and the international financial institutions;

(j) Organize seminars for an exchange of views between human rights experts and representatives of the international financial institutions;

(k) Ensure full and adequate coverage of the issues surrounding economic, social and cultural rights at the 1993 World Conference on Human Rights, in accordance with decisions taken by the Committee on Economic, Social and Cultural Rights at its sixth session. Specific emphasis should be placed on enforcement, implementation and justiciability of economic, social and cultural rights.

3. It is clear from these recommendations that the Special Rapporteur is seeking an increased attention and dedication from the Secretariat (including the Centre for Human Rights) in the field of economic, social and cultural rights. Although this cannot be achieved overnight, the purpose of the present report is to highlight the activities that the Centre for Human Rights has undertaken in the field of economic, social and cultural rights since the adoption of Sub-Commission resolution 1992/29.

4. With regard to the World Conference on Human Rights, it should be pointed out that the agenda of the World Conference was decided upon by the General Assembly and that the role of the Centre for Human Rights was one of facilitator. The manner in which the agenda was handled and the outcome of the Conference, including its preparatory meetings, was determined by the participants.

5. During the preparations for the World Conference, a large number of documents were issued which have direct relevance to economic, social and cultural rights. Addendum 1 to the present report contains an inventory of these documents.

6. With regard to the special emphasis which, according to the Special Rapporteur, should be placed on the enforcement, implementation and justiciability of economic, social and cultural rights, attention is drawn to document A/CONF.157/PC/62/Add.5, containing the contribution submitted by the Committee on Economic, Social and Cultural Rights, which includes a study on this topic, entitled "Towards an optional protocol to the International Covenant on Economic, Social and Cultural Rights".

7. In the context of the preparation of the Conference, meetings took place between representatives of United Nations bodies and specialized agencies, as well as with members of the treaty monitoring bodies, the reports of which can be found in documents A/CONF.157/PC/61/Add.18 and A/CONF.157/PC/62/Add.15 respectively.

8. Concerning the recommendations relating to improving coordination within the United Nations system, in particular with the international financial institutions, the Centre for Human Rights is doing its utmost to strengthen its cooperation with United Nations agencies dealing with issues pertaining to economic, social and cultural rights. Both the World Conference on Human Rights and the Seminar on appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights, the report of which can be found in document A/CONF.157/PC/73, functioned as a catalyst in this respect and provided a solid basis for future contacts between the Centre and other parts of the United Nations system.

9. When the Economic and Social Council has given its approval, the Centre will contact the World Bank and the International Monetary Fund to seek their views on organizing an expert seminar on their role in the realization of economic, social and cultural rights, in accordance with Sub-Commission resolution 1992/29 and Commission on Human Rights resolution 1993/14.

10. Meanwhile, the Centre has begun preparing basic policy guidelines on structural adjustment and economic, social and cultural rights. Following the suggestions of the Special Rapporteur, these guidelines will serve a dual purpose: (a) specifying priority concerns in the field of human rights (that is to say, economic, social and cultural rights) and thus serving as a basis for a productive dialogue with the relevant agencies and institutions in the economic and financial fields; and (b) assisting in designing policies to be pursued by the international financial institutions, notably the World Bank and the International Monetary Fund. Regarding (a), the Centre would appreciate receiving guidance from the Sub-Commission on how to address the

question of the interdependence of all human rights in this respect, a question which may raise the concern of the international financial institutions.

11. With regard to the comparative survey within the United Nations system to determine which parts of the system have a mandate bearing directly upon economic, social and cultural rights, also requested in resolution 1992/29, an inventory has been prepared and is attached as an annex to the present report.

12. With reference to the programme of advisory services, the Centre for Human Rights is continuing to elaborate an integrated and multidisciplinary approach for its training courses that would stress the interdependence of civil and political rights and economic, social and cultural rights, their indivisibility and universality.

13. So far, the training activities of the Advisory Services, Technical Assistance and Information Branch have been mainly provided to civil servants, law enforcement officials, members of the judiciary and other relevant officials in relation to fields such as electoral assistance, setting up and reinforcement of national human rights institutions, reporting obligations of States having ratified international instruments and general human rights awareness of human rights standards and instruments.

14. Economic, social and cultural rights will be further stressed in the training activities and extended to:

(a) Staff members of international organizations dealing specifically with development programmes, in particular those working in the field;

(b) Members of non-governmental organizations cooperating with them in such programmes.

15. To this end, the programme of advisory services will increase its cooperation and coordination with United Nations bodies and specialized agencies, such as UNDP, UNICEF, ILO, FAO, UNESCO and WHO. Steps have already been taken to have these bodies and agencies participate in training courses requested by a number of countries.

16. It is now being envisaged that courses on human rights be planned, after discussion with the Government concerned, on the basis of a needs assessment previously made by the Centre and experts in consultations with the relevant authorities, local organizations and individuals and United Nations bodies or specialized agencies working in the field.

17. Once this process has been completed, the Board of Trustees for the Voluntary Fund for Technical Cooperation appointed pursuant to Commission on Human Rights resolution 1993/87, will advise the Secretary-General on the needs to be addressed by the project and the kind of assistance that will be provided to the country concerned.

18. The assistance of relevant experts on human rights such as members of the treaty bodies, including the Committee on Economic, Social and Cultural Rights, special rapporteurs and working groups of the Commission on

Human Rights will be requested in the implementation of the different projects. Such implementation will be coordinated as necessary at the local level with the specialized agencies and organizations.

19. In relation to the programme of publications of this Branch, during the next few months, the Centre for Human Rights will be issuing a number of publications of direct relevance to the question of economic, social and cultural rights.

20. The Fact Sheet series is translated into the six official United Nations languages and distributed worldwide free of charge. Fact Sheets on the following topics will be issued before the end of the year: (a) the right to adequate housing, (b) the rights of migrant workers, (c) economic, social and cultural rights (including the implementation mechanisms of the Committee on Economic, Social and Cultural Rights) and (d) the rights of women (including the implementation mechanism of the Convention on the Elimination of All Forms of Discrimination against Women). Fact Sheets on the right to development and on the right to food are also in preparation.

21. In the Study Series, two publications are being prepared: a study on the sale of children and a reprint of the report of the Secretary-General on the right to development (E/CN.4/1344) originally issued in 1979, with an updating introduction. Lastly, in accordance with Commission on Human Rights resolution 1993/14 and as soon as the necessary approval has been obtained from the Economic and Social Council, the Centre will start preparations for the publication of the complete study on the realization of economic, social and cultural rights carried out by Mr. Danilo Türk in the period 1989-1992.

Annex

UNITED NATIONS BODIES AND AGENCIES WHICH HAVE A MANDATE BEARING DIRECTLY UPON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Economic and Social Council, including its functional commissions:

- Commission for Social Development
- Commission on the Status of Women
- Population Commission
- Statistical Commission

its standing committee:

- Commission on Human Settlements

United Nations Children's Fund
United Nations Conference on Trade and Development
United Nations Development Programme
United Nations Population Fund
World Food Programme

Economic Commission for Africa
Economic Commission for Europe
Economic Commission for Latin America and the Caribbean
Economic and Social Commission for Asia and the Pacific
Economic and Social Commission for Western Asia

United Nations Centre for Human Settlements
World Food Council

International Trade Centre UNCTAD/GATT

International Labour Organization
Food and Agriculture Organization of the United Nations
United Nations Educational, Scientific and Cultural Organization
World Health Organization
World Bank
International Monetary Fund
International Fund for Agricultural Development

Administrative Committee on Coordination

- Subcommittee on Nutrition